

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, October 4, 2011
—MINUTES—

CALL MEETING TO ORDER:

Chairman Vornehm called the regular meeting of the Bridgewater Township Zoning Board of Adjustment to order at 7:40 pm in the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 20, 2011 proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building.

Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing assistance is available upon request.

ROLL CALL:

Don Sweeney – present	Jay Rosen – absent
Filipe Pedroso – present	Jim Scott – absent
Paul Riga – present (arrived 8:17 pm)	William Vornehm, Chairman – present
Lee Schapiro – present	Pushpavati Amin, Alt. #1 - present
Evans Humenick, Alt. #2 – present	Carl Schulz, Alt. #3 – absent

Others present: Attorney Lawrence A. Vastola, Land Use Administrator Marie L. Broughman, Board Planner Scarlett Doyle

MINUTES FOR APPROVAL:

September 27, 2011 Regular Meeting – The minutes will be presented for Board consideration at the next Board meeting.

MEMORIALIZING RESOLUTIONS:

HIND & FORE – American Investment Realty
Block 184 Lot 5
#07-11-ZB, Site Plan w/variances & Expansion of Nonconforming Use
DECISION: Approved 7/26/11

Eligible to vote: Mr. Sweeney, Mr. Pedroso, Mr. Riga, Mrs. Amin, Mr. Humenick, Mr. Schulz, Chairman Vornehm

The foregoing memorializing resolution will be presented for Board consideration at the next meeting.

CHEN & WANG – 36 Forest Ave
Block 526 Lot 6.03
#17-11-ZB, Simple Variance w/d-variance & c-variances
DECISION: Approved 9/27/11

Eligible to vote: Mr. Sweeney, Mr. Rosen, Mr. Scott, Mr. Riga, Mrs. Amin, Mr. Humenick, Chairman Vornehm

The foregoing memorializing resolution will be presented for Board consideration at the next meeting.

HMS REALTY – Route 22 Valero Service Station
Block 205 Lot 1
#22-10-ZB, Minor Site Plan w/d-variance & c-variances
DECISION: Approved w/conditions 9/27/11

Eligible to vote: Mr. Sweeney, Mr. Rosen, Mr. Scott, Mr. Riga, Mrs. Amin, Mr. Humenick, Chairman Vornehm

The foregoing memorializing resolution will be presented for Board consideration at the next meeting.

HEARING AND DELIBERATIONS:

CHESSON, Peter – 387 Route 28
Block 400 Lot 4
#26-10-ZB, Bulk variances (8-ft solid fence)
TIME: 120=1/4/12

Attorney Robert Foley was present to represent the Applicant. Sworn testimony was presented by Applicant/Owner Peter Chesson and Professional Engineer George Folk.

The Applicant submitted several exhibits which were marked into evidence as follows:

A-1	10/4/11	Photo: view from road facing the property in question
A-2	10/4/11	Photo: close-up of solid fence, parking area and lighting
A-3	10/4/11	Photo: back portion of the L-shaped fence
A-4	10/4/11	Photo: back side of fence as seen from commercial property
A-5	10/4/11	Photo: taken adjacent property, showing the fence screening the parked cars
A-6	10/4/11	Photo: equipment on commercial property, Lot 3

Applicant Chesson described the 8.3-foot privacy fence which is existing. Variances are being requested for the height and setback from the property line. He confirmed that Lot 3 will still be used for parking school buses, dump trucks, snow plows, and the like. He has owned the property since March 2007 and the fence was installed in 2010 to help beautify Lot 4 and screen it from the adjacent commercial property on Lot 3. He stated that it is also there in order to address the safety issue for the children who attend dance studio classes on Lot 4. Lot 3 has dirt and gravel parking and Lot 4 is paved with curbing. From a future value standpoint he stated that both lots would one day be combined and developed as a larger office building since the properties front on Route 22 and 28.

Chairman Vornehm opened the hearing to the public. With hearing none, he closed the public portion of the hearing.

Engineer Folk confirmed that he prepared the plans. The purpose of the fence is to screen the view and noise of Lot 3 from Lot 4. He stated that it blocks the visual clutter on Lot 3. Variances are being

requested for the height of the fence at 8.3-feet where 6-ft maximum is permitted and the setback of 7.7-ft where 75-ft is required.

Chairman Vornehm opened the hearing to the public. With hearing none, he closed the public portion of the hearing.

Board Member Riga arrived at approximately 8:17 pm and took a seat at the dais.

The Board deliberated and Mr. Sweeney made motion to approve the variances, which was seconded by Mr. Schapiro, and the 8-foot solid fence was approved with the condition that the fence is maintained and must be the same color as the office building on Lot 4, on the following roll call vote:

AFFIRMATIVE: Mr. Sweeney, Mr. Schapiro, Mrs. Amin, Chairman Vornehm
OPPOSED: Mr. Pedroso, Mr. Humenick
ABSENT: Mr. Rosen, Mr. Scott, Mr. Schulz
NOT ELIGIBLE: Mr. Riga

SOMERSET VALLEY YMCA – 601 Garretson Rd
Block 472 Lot 74
#21-11-ZB, Minor Site Plan w/d-variance (solar carport)
TIME: 120=1/10/12

Attorney Lawrence Powers was present to represent the Applicant. Sworn testimony was presented by: Richard Fortin, Sunstream Partners President; Michael Ford, PE/PP of VanCleeef Engineering; and Paul Kieltya, YMCA CEO.

Board member Schapiro stated that he works for US SolarG, another company that builds these type of projects and that he feels he can listen to this case without any conflict. Attorney Powers concurred that there is no conflict.

The Applicant submitted several exhibits which were marked into evidence as follows:

A-1	10/4/11	Colored rendering of Site Plan
A-2	10/4/11	Aerial view of site with High School across the street
A-3	10/4/11	Aerial view – close up of parking area
A-4	10/4/11	Aerial view of site, with different perspective than A-2
A-5	10/4/11	Similar structure in Morris County
A-6	10/4/11	Similar carport structure
A-7	10/4/11	Photo: view of existing YMCA parking lot
A-8	10/4/11	Photo: view of YMCA parking lot, 30-ft light pole to be removed
A-9	10/4/11	Photo: view of YMCA taken from High School across the street
A-10	10/4/11	Photo: Voorhees Road looking at wooded area on YMCA property
A-11	10/4/11	Photo: Parking lot looking west
A-12	10/4/11	Photo: taken from YMCA parking lot looking at townhouses
A-13	10/4/11	Photo: taken from Voorhees Road looking toward townhouses and wooded area at YMCA

Attorney Powers summarized the application stating that ground mounted solar is not permitted in the R-40, Single-Family Residential zone. A front yard setback of 69.5-feet is proposed.

YMCA CEO Kieltya stated that the property was originally owned by Bridgewater Township prior to 1985. The money saved by utilizing solar power will be used to serve the community. The YMCA in Hillsborough received variances for the ground mounted solar and the YMCA in Somerville was only permitted to install solar on the roof. The roof of YMCA in Bridgewater is an unusual shape and solar can't be placed on the roof. There is high energy consumption in this building due to the requirement to heat the air in the building and the pool water. He stated that there is a purchase power agreement with Sunstream Partners, the owner of the proposed carport solar structures. Approximately 75% of the energy will be produced from this project.

Chairman Vornehm opened the hearing to the public for questions.

Henry Hui, 94 Hagerman Court, requested details of the money saved from the solar projects. Mr. Kieltya stated that 5-million will be saved over the next 15-years from three YMCA sites including Hillsborough, Somerville, and Bridgewater with the most being saved in Bridgewater.

Judith Mooney, 63 Stryker Court, requested the amount that will be saved at the Bridgewater YMCA over the next 15-years.

Chairman Vornehm and Board Attorney Vastola stated that costs are not relevant to this case.

Michael Ford, PE/PP stated that he prepared the plans and discussed all of the exhibits presented and marked into evidence.

The meeting was paused due to the noise from the recording system. The Planning Department Secretary and Municipal Clerk were previously notified of this condition after the prior Board meeting.

Engineer/Planner Ford stated that there will not be any overhead wires as they will all be underground. There will be a small inverter pad which will be in a fenced in area. The parking lot will be restriped and there will be a total of six handicap parking spaces. A variance is being requested for the required 75-foot buffer to the residential properties. The existing vegetation will be enhanced with evergreen plantings in addition to the existing fence. The solar panels don't have reflective glare, as they absorb the rays of the sun, which will be facing toward the high school, not the residences. There will be fluorescent lights installed under the proposed parking structure and the existing 30-ft light pole will be removed. The lowest point of the structure will be 8.5-ft off of the ground and the highest point will be 17-ft. The hours of operation are: Monday through Friday, 6:00 am to 10:00 pm; Saturday, 7:00 am through 9:00 pm; and Sunday, 8:00 am through 6:00 pm. The lights will be turned off ½-hour after closing.

Engineer/Planner Ford stated that the 75-ft setbacks are met along Garretson Road and Voorhees, but they need to enhance the buffer between the residential properties. Renewable Energy is an inherently beneficial use. He stated that sheet 4 of the plan set provides details for emergency vehicle site circulation. School buses will not be able to fit under the carport and there are no designated parking

spaces for the buses on site. Mr. Ford agreed that the Applicant will submit a decommissioning plan if this application is approved.

Planner Doyle addressed concerns regarding the townhouses being able to see the lighting under the carport and requested the Applicant shield the proposed lighting.

Mr. Ford reviewed the reports of Board Planner Doyle dated 9/11/11 and Board Engineer Thomas J. Forsythe dated 9/12/11 and agreed to comply with outstanding issues.

Chairman Vornehm opened the hearing to the public for questions.

Judy Winston, 101 Hagerman Court, addressed concerns regarding the parking lot. Mr. Ford confirmed that there are a total of 5-rows of existing parking of which three will be replaced with the proposed carport.

With no further questions from the public, Chairman Vornehm closed the public portion of the hearing.

Sunstream Partners President Richard Fortin stated that he coordinated and developed the proposed project. He stated that this is a 276 kilowatt project with 85% of the onsite energy usage will be created by the proposed solar carport. He stated that this is a retail power project with the YMCA buying energy from Sunstream Partners at a discounted rate. Sunstream Partners will own the solar panels and carport. The carport supports are made of galvanized steel with no paint on them. There are narrow gaps between the solar panels; therefore, it is not impervious. The solar panels will be mounted to rails. During the winter months, snow will be removed from the solar panels by Sunstream Partners. Mr. Fortin agreed to check into USA made panels as they may be more efficient than those made in China. He stated that the proposal is most cost effective. The panels can't be mounted in the grass due to shading issues. Besides, the YMCA holds many activity programs in the grass areas during the summer months. The panels have a useful life of 25-years and the YMCA will enter into a 15-year power purchase agreement with Sunstream Partners.

Chairman Vornehm requested the Applicant to present an artist's rendering of the proposed project in order to see what the YMCA will look like from the High School and Mr. Sweeney requested that the Applicant present a landscape plan with location, height and species detail.

Due to the late hour of the meeting, Chairman Vornehm carried the hearing to 10/18/11 at 7:30 pm with no further notice required.

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to address the Board on any matter not listed on the agenda.

OTHER BOARD BUSINESS:

There was no other business.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:30 pm.

Respectfully submitted,
Marie L. Broughman,
Land Use Administrator/Zoning Officer